

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL DUNSMORE,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:21-cv-1711 TLN AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed December 15, 2022, the complaint was screened and found not to not state a claim for relief. ECF No. 8. Plaintiff was given an initial thirty days to amend the complaint (id. at 7) followed by an additional twenty-one days to amend the complaint when he failed to file an amended complaint within the time provided (ECF No. 11). After plaintiff once again failed to file an amended complaint, the undersigned recommended that the complaint be dismissed for failure to state a claim. ECF No. 12. After the time for filing objections to the findings and recommendations had passed, plaintiff filed a motion for a sixty-day extension of time to file an amended complaint. ECF No. 13. The motion states that plaintiff was “debilitated due to being erroneously discharged from his medical bed” and that he is now able to file an amended complaint because he has been returned to medical housing. Id. Based on plaintiff’s representations, the findings and recommendations will be withdrawn and plaintiff’s motion will

1 be granted. However, plaintiff is cautioned that no further extensions of time will be granted
2 absent a showing of extraordinary cause.


3 Good cause appearing, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed April 11, 2023 (ECF No. 12) are
5 WITHDRAWN.

6 2. Plaintiff's motion for an extension of time (ECF No. 13) is granted. Within sixty days
7 of the date of service of this order plaintiff shall file an amended complaint. No further
8 extensions of time will be granted absent a showing of extraordinary cause.

9 3. Failure to file an amended complaint will result in a recommendation that this action
10 be dismissed without further warning.

11 DATED: June 6, 2023

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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